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Mr. William Kennard
Chairman Designate
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Ex Parte Letter RE: Cases WT 97-¹⁹²~~197~~/MM Docket 97-182, and DA 96-2140

Dear Chairman Kennard:

On behalf of the City of Lancaster, Texas I am writing to request that you please terminate action in the above-noted cases. They propose to preempt local zoning of cellular, radio, and TV towers and are in violation of the 1996 Telecommunications Act and Principles of Federalism which expressly preserve local zoning authority.

The implications of these proposed rules, if passed, are harmful to the interests of municipalities. The FCC would be able to step in and make a decision regarding a zoning request before a local planning decision could be finalized. Time constraints that would be imposed by the FCC for processing a zoning request for broadcast towers bears no relationship to local zoning procedures. Further, local zoning procedures would not be taken into consideration because moratoria lasting longer than 3 months would be banned. Municipalities find it necessary to amend their zoning ordinances to accommodate the increase in numbers of telecommunications towers. A moratoria is implemented suspending zoning classes while zoning amendments are developed. Three months is not a sufficient amount of time to ensure zoning amendments are created and approved by the appropriate governing bodies.

One of the only criteria zoning decisions would take account of are safety considerations. Zoning decisions should take more than safety concerns into account but also environmental effects, property values, and aesthetics. For instance, on broadcast towers, the FCC would allow enormous structures (over 2,000 feet) to be built without any local approval. A number of factors, not limited to safety concerns, effect the quality of life of citizens, and they should not be overlooked. These factors have been considered in past decisions regarding the zoning of telecommunications towers. In fact, the FCC is favoring to overturn such decisions of municipalities saying they are tainted with radiation concerns. The FCC is failing to acknowledge the true reasons why decisions were made.

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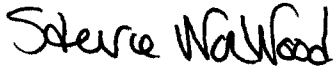
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Again, Principles of Federalism and the 1996 Telecommunications Act expressly preserve local zoning authority. In violation, the FCC is attempting to intrude upon local affairs and take this authority away from municipalities. Subsequently, the Commission is attempting to become a "Federal Zoning Board". The FCC does not have the expertise in local zoning matters that municipalities have. In addition, the FCC is not as accessible to citizens as the governments presiding in their jurisdictions. The City of Lancaster, Texas urges the FCC to terminate all proceedings which preempt local zoning of cellular, radio, and TV towers.

Respectfully yours,

A handwritten signature in cursive script that reads "Steve Norwood".

Steve Norwood
City Manager

cc:

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